

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BIANCA M. HAYES aka BIANCA M.  
CURRY,

Plaintiff,

v.

SGT. SCOTT HEINE, et al.,

Defendants,

No. 2:24-cv-1300 TLN DB PS

ORDER

Plaintiff Bianca M. Hayes aka Bianca M. Curry is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On May 13, 2024, defendants filed a motion to dismiss, which is noticed for hearing before the undersigned on June 21, 2024, pursuant to Local Rule 302(c)(21). (ECF No. 6.) Pursuant to Local Rule 230(c) plaintiff was to file an opposition or a statement of non-opposition to defendants' motion not less "than fourteen (14) days after the motion was filed." Plaintiff, however, has failed to file a timely opposition or statement of non-opposition to the motion.

The failure of a party to comply with the Local Rules or any order of the court "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil Procedure, the Local Rules, and

all applicable law. Local Rule 183(a). Failure to comply with applicable rules and law may be grounds for dismissal or any other sanction appropriate under the Local Rules. Id.

In light of plaintiff's pro se status, and in the interests of justice, the court will provide plaintiff with an opportunity to show good cause for plaintiff's conduct along with a final opportunity to oppose defendants' motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff show cause in writing within fourteen days of the date of this order as to why this case should not be dismissed for lack of prosecution;

2. The June 21, 2024 hearing of defendant's motion to dismiss (ECF No. 6) is vacated<sup>1</sup>;

3. On or before **July 5, 2024**, plaintiff shall file an opposition or statement of non-opposition to defendants' motion<sup>2</sup>;

4. On or before **July 12, 2024**, defendants may file a reply; and

5. Plaintiff is cautioned that the failure to timely comply with this order may result in the recommendation that this case be dismissed.

DATED: June 17, 2024

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The hearing of defendant's motion to dismiss may be reset for hearing by the court after review of plaintiff's response to this order to show cause.

<sup>2</sup> Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.